

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,
PRICELINE.COM, INC.,
SCOTTRADE, INC.,
SOUTHWEST AIRLINES CO.,
ZAGAT SURVEYS, LLC,
Defendants.

Case No. 6:09-cv-367-LED

JURY TRIAL DEMANDED

STIPULATION FOR DISMISSAL

Plaintiff EMG TECHNOLOGY, LLC and Defendant MICROSOFT CORPORATION have agreed to dismiss this action. Accordingly, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and stipulation of the parties, EMG TECHNOLOGY, LLC dismisses, with prejudice, this action against MICROSOFT CORPORATION, and MICROSOFT CORPORATION dismisses, with prejudice, its counterclaims against EMG TECHNOLOGY, LLC in this action. Each party shall bear its own fees and costs.

DATED: October 8, 2010

Respectfully Submitted,

By: /s/Chris Carraway w/ permission by
Charles Ainsworth

By: /s/Charles Ainsworth

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 8th day of October, 2010, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth
Charles Ainsworth